

8 IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION Nos.12800-801/1998

Between:

1. Sri.Jadiyappa,
S/o Lingegowda,
aged 55 years,
r/a Gangasandra Village,
Kengeri Hobli,
Bangalore South Taluk.

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... Petitioner in
W.P.No.12800/98

2. Smt.Putamma,
W/o Rudraiah,
aged 65 years,
r/a Gangasandra Village,
Kengeri Hobli,
Bangalore South Taluk.

... Petitioner in
W.P.No.12801/98

(By Sri.T.Seshagiri Rao, Adg.,)

And:

1. The Special Deputy
Commissioner,
Bangalore Urban
Krushi Bhavan,
Bangalore-2.

2. The Tahsildar,
Bangalore South Taluk,
K.G.Road,
Bangalore-9.

3. The State of Karnataka,
Department of Revenue,
Rep. by its Secretary,
Vidhana Soudha,
Bangalore-1.

... Respondents.

(By Sri. Kotian, Addl.GA.,)

This W^P is filed under Articles 226 & 227
of the Constitution of India praying to quash
vide Annex.N dt.9-1-98 by R-1 & etc.,

This W.^P coming on for prly. hg. this
day, the Court made the following:-

O R D E R

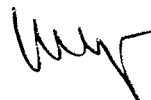
In these petitions, the petitioners have
challenged the correctness of the order dated
9th January, 1998, a copy of which has been
produced as Annexure-N, on several grounds.

2. However, since, I am of the view that
the order impugned is liable to be quashed on
the ground that the order Annexure-N came to be
passed without hearing the petitioners and with-
out giving an opportunity to the petitioners, I



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find it unnecessary to consider the other grounds urged by the learned counsel for the petitioners. It is the case of the petitioners that the petitioners were not heard and an opportunity was not given to the petitioners to put-forward their say before passing the order Annexure-N. Since the order Annexure-N seriously affects the property rights of the petitioners, I am of the view ^{that} the order Annexure-N passed without hearing the petitioners is totally illegal as the same came to be passed in disregard of principles of natural justice. Accordingly, the order Annexure-N so far as the petitioners are concerned is hereby quashed. The matter is remitted for fresh consideration to the 1st respondent. The 1st respondent shall pass fresh orders after giving an opportunity to the petitioners and all others who are interested in the lands in question, in accordance with law. The petitioners are directed to appear before the 1st

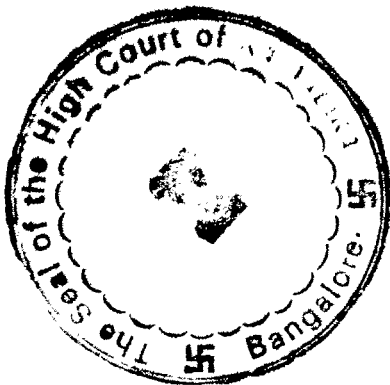


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respondent for the purpose of fresh enquiry on 20th July, 1998. However, it is made clear that the petitioners are not entitled for any further notice from the 1st respondent. The 1st respondent shall ^{conduct} ~~xxxx~~ fresh enquiry and pass fresh orders within three months from 20th July, 1998.

3. Accordingly, these petitions are allowed and disposed of. Rule is issued and made absolute.

4. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.



Sd/-
JUDGE